

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROGER MICHAEL EDWARDS, JR.)	
)	
Plaintiff)	
v.)	CIVIL NO. 3:09cv622
)	
EQUIFAX INFORMATION SERVICES, LLC,)	
et al.)	
Defendants.)	

**PLAINTIFF'S RESPONSE TO DEFENDANT EQUITY ONE'S MOTION TO DISMISS
AND HIS MOTION FOR LEAVE TO FILE A MORE DEFINITE STATEMENT**

COMES NOW, the Plaintiff, by counsel and as for his response to Defendant Equity One's Motion to Dismiss, he states as follows:

In his Complaint, the Plaintiff clearly alleged four operative facts regarding Defendant Equity One: (1) Equity One used or obtained a consumer report which regarded him; (2) Equity One did not have Plaintiff's consent to do so; (3) Equity One lacked a permissible purpose under the Fair Credit Reporting Act to do so; and (4) Plaintiff suffered damages as a result. Despite numerous efforts by Plaintiff's counsel to engage this Defendant's counsel in a discussion of the facts of the case, beginning at such time as the Defendant's counsel informally sought an extension of time to file an Answer, the Defendant has refused to engage the Plaintiff in a discussion of the same. Specifically, Plaintiff offered that if the Defendant had in fact attempted to retrieve another individual's consumer report, but was provided with the Plaintiff's credit report in response by Experian, the Plaintiff would dismiss the Defendant without further incident upon receipt of a Declaration establishing the same.

Those efforts went unaddressed and instead, after it received Plaintiff's good faith agreement to extension of time for it to file its Answer, it would not respond further to Plaintiff's

efforts to engage it in a good faith discussion of the facts of the case, and the present motion resulted.

Plaintiff submits that the facts pled in paragraph 148 of the Complaint are sufficient to satisfy the liberal notice pleading requirements of Fed. R. Civ. P. 8, specifically, “a short and plain statement of the claim showing that the pleader is entitled to relief”. However, rather than consume judicial resources unnecessarily, as the Defendant expends additional resources of its own in a quixotic attempt to establish that the Plaintiff has not pled a simple impermissible access claim with the requisite specificity, Plaintiff hereby moves for leave to file the document attached hereto as “Exhibit A”, a more definite statement as to Defendant Equity One, which would supplement the allegations contained in paragraph 149 of his Complaint.

This resolution would provide the Defendant with as much specificity as it could possibly hope for, while avoiding the need for each of the other Defendants in this case to refile a new Answer following formal amendment by the Plaintiff.

Accordingly, Plaintiff moves that the Court grant him leave to file the More Definite Statement attached hereto as to Defendant Equity One.

Respectfully submitted,
ROGER MICHAEL EDWARDS, JR.,

/s/

Dated: December 15, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2009 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

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